

## REMARKS

Claims 1-7 remain in this application, while claims 8-17 were previously canceled. Reconsideration of the application is requested.

The claim amendments above are made in an attempt to clarify the claim language and following consideration of the comments provided by the Examiner in sections 3-6 on page 2 of the Office Action. It is respectfully submitted that the claims presently in this application comply with the requirements of 35 U.S.C. § 112, second paragraph.

Independent claim 1 is now rejected under 35 U.S.C. § 103(a), along with claims 2-4 and 6-7, as unpatentable over the *Localization of Target Tracking and Navigation by Correcting Atmospheric Effects* Naval Research Laboratory publication to Choi et al. in view of the Minter et al. ('703) patent, both of record. Reconsideration is requested.

As amended above, claim 1 requires the apparatus claimed to include, in combination with the other elements recited, determining means for, *inter alia*, (1) correcting detected times of electromagnetic wave arrival, and (2) outputting path length measurements based on the corrected electromagnetic wave arrival times. It is respectfully submitted that the collective disclosures of the Choi et al. publication and the Minter et al. patent relied on to reject claim 1 fail to suggest a locating apparatus including a determining means that performs operations (1) and (2) as specified, and the obviousness rejection of claim 1 is not now applicable. Neither of the other secondary references identified in section 14 on page 4 of the Office Action suggests further altering the Choi et al. modeling technique, already modified by incorporating teachings of Minter et al. in the

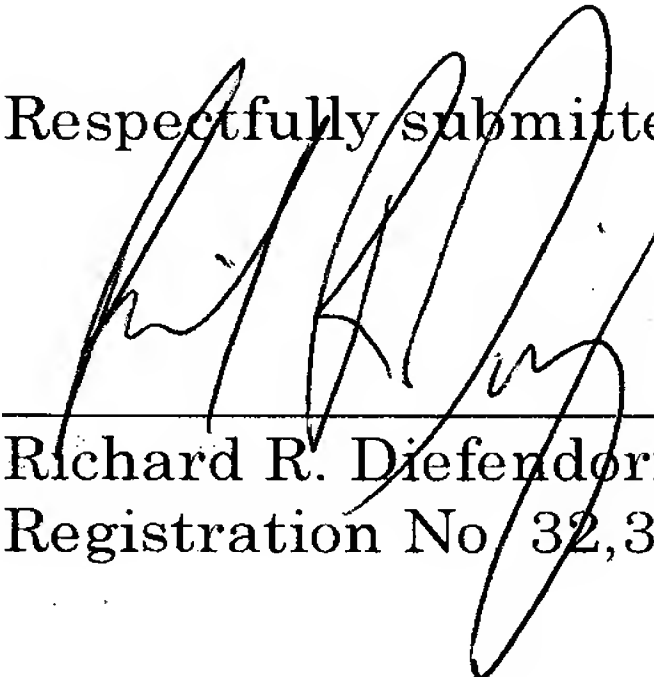
manner proposed in the previous Office Action dated July 29, 2008, in such a way as to meet the limitations in claim 1 reflecting operations (1) and (2) identified. It is accordingly submitted that claim 1 above should be patentable. All other claims remaining in this application are dependent claims and should be patentable as well.

This application should now be in allowable condition. If there are any questions regarding this Reply or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an extension of time sufficient to effect a timely response. Please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #102343.57313US).

Respectfully submitted,

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